

ORIGINAL

Approved: Benjamin W. SchrierBenjamin Woodside Schrier  
Assistant United States Attorney

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Before: THE HONORABLE ROBERT W. LEHRBURGER  
United States Magistrate Judge  
Southern District of New York

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	: <u>SEALED COMPLAINT</u>
UNITED STATES OF AMERICA	:
- v. -	:
LUIS DE OLEO GUZMAN, and	:
SABIEL SAMPOL,	:
a/k/a "Flako Loko,"	:
Defendants.	:
	:
	X

SOUTHERN DISTRICT OF NEW YORK, ss.:

MICHAEL MEMOLI, being duly sworn, deposes and says that he is a Postal Inspector with the United States Postal Inspection Service ("USPIS"), and charges as follows:

COUNT ONE

(Conspiracy to Commit Bank Fraud)

1. From at least in or about October 2016 up to and including at least in or about November 2016, in the Southern District of New York and elsewhere, LUIS DE OLEO GUZMAN and SABIEL SAMPOL, a/k/a "Flako Loko," the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and object of the conspiracy that LUIS DE OLEO GUZMAN and SABIEL SAMPOL, a/k/a "Flako Loko," the defendants, and others known and unknown, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets,

securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

**COUNT TWO**  
(Aggravated Identity Theft)

3. From at least in or about October 2016 up to and including at least in or about November 2016, in the Southern District of New York and elsewhere, LUIS DE OLEO GUZMAN and SABIEL SAMPOL, a/k/a "Flako Loko," the defendants, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, GUZMAN and SAMPOL deposited money orders in the name of another person during and in relation to the conspiracy to commit bank fraud charged in Count One of this Complaint, knowing that the means of identification belonged to another actual person.

(Title 18, United States Code, Sections 1028A(a)(1),  
1028A(b) and 2)

4. The bases for my knowledge and for the foregoing charges are, in part, as follows:

a. I am a United States Postal Inspector. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, my conversations with other law enforcement officials, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

**THE FRAUDULENT DEPOSITS**

5. Based on my training and experience, I have become aware of schemes in which individuals attempt to convert for their own use money orders sent by and to others. One such scheme typically proceeds as follows:

a. Money orders are stolen from United States Postal Service ("USPS") mailboxes or other locations where mail is stored.

b. Information on the money orders, such as the name of the payee or payor, is removed through a variety of means, including but not limited to washing, soaking, and bleaching.

c. Different information is substituted in place of the removed information. Among other changes, the name of the intended payee or payor is replaced with another name.

d. Finally, the altered money orders are deposited into an account maintained by or under the control of the individual now listed as the payee.

6. Based on my review of financial records, video surveillance footage and still photographs derived from that footage, and other materials obtained from a certain financial institution ("Bank-1") through a federal grand jury subpoena, I have learned, in substance and in part, that from at least on or about October 4, 2016 through at least on or about October 31, 2016, LUIS DE OLEO GUZMAN, the defendant, deposited at least four money orders into a bank account at Bank-1 ("Bank Account-1") that was held in the name of a person ("Victim-1") who is neither GUZMAN nor SABIEL SAMPOL, a/k/a "Flako Loko," the defendant. SAMPOL was present for at least one of the deposits, all four of which were made at a Bank-1 branch located at or near East Fordham Road in the Bronx, New York. Additionally, on at least one occasion, on or about October 17, 2016, GUZMAN withdrew cash from Bank Account-1 and gave at least some of it to SAMPOL, who was present during the withdrawal. The withdrawal was made at a Bank-1 branch located at or near Westchester Avenue in the Bronx, New York.

a. Specifically, on or about October 4, 2016, a money order for \$1,020, with Victim-1's name appearing on the payee and payee-endorsement lines, was deposited into Bank Account-1. Bank-1 video surveillance and still photographs show three individuals standing at or around the ATM at Bank-1 where the deposit was made. Based on my training and experience, and my review of photographs of GUZMAN and SAMPOL from law enforcement databases, I believe that GUZMAN and SAMPOL were two of those three individuals. In the video and photographs, GUZMAN can be seen operating the ATM.

b. On or about October 17, 2016, \$400 was withdrawn from Bank Account-1 at a Bank-1 location at or near Westchester Avenue in the Bronx, New York. Bank-1 video surveillance and still photographs show GUZMAN and SAMPOL standing at or around the ATM at Bank-1 where the withdrawal was made. In the video and photographs, GUZMAN can be seen operating the ATM. GUZMAN can also be seen giving SAMPOL some of the cash that he had withdrawn.

c. On or about October 26, 2016, a money order for \$100, with Victim-1's name appearing on the payee and payee endorsement lines, was deposited into Bank Account-1. Bank-1 video surveillance and still photographs show GUZMAN depositing the money order.

d. On or about October 26, 2016, a money order for \$120, with Victim-1's name appearing on the payee and payee endorsement lines, was deposited into Bank Account-1. Bank-1 video surveillance and still photographs show GUZMAN depositing the money order.

e. On or about October 29, 2016, a money order for \$300, with Victim-1's name appearing on the payee and payee endorsement lines, was deposited into Bank Account-1. Bank-1 video surveillance and still photographs show GUZMAN depositing the money order.

f. On or about December 5, 2016, Facebook messages were exchanged between an account believed to be used by Victim-1 and an account used by GUZMAN. In sum and substance, Victim-1 sent GUZMAN a screenshot of a Bank Account-1 statement reflecting certain balances, deposits, and payments, and stated that he had used Bank Account-1 without her permission.

7. Based on my training, experience, and review of open source material, I have learned that Bank-1 was insured by the Federal Deposit Insurance Corporation from at least on or about October 4, 2016 through at least on or about December 5, 2016.

THE "FISHING" SCHEME

8. Based on my training and experience, I know that individuals sometimes use string or other materials with adhesive affixed to the end to remove mail matter from USPS mailboxes. This practice is called "fishing." Individuals typically "fish" in the hope of removing mail containing checks,

money orders, or cash. The individuals may sell the checks and money orders to others or keep them for their own use.

9. Based in part on my conversations with officers of the New York City Police Department ("NYPD") and my review of NYPD reports and other materials, I have learned, in substance and in part, the following:

a. On or about November 3, 2016, at or about 4:47 a.m., two NYPD officers (the "Officers") surveilling the vicinity of Jennings Street and Prospect Avenue in the Bronx, New York, observed three individuals in the area who appeared to be removing mail from USPS mailboxes.

b. Specifically, the Officers observed two individuals removing mail from a USPS mailbox using the fishing method described above. The Officers also observed a third individual nearby, apparently serving as a lookout for the two individuals removing the mail. Two of the three individuals were later identified as LUIS DE OLEO GUZMAN and SABIEL SAMPOL, a/k/a "Flako Loko," the defendants.

c. After apprehending GUZMAN and SAMPOL as a result of their unauthorized removal of USPS mailbox mail matter, the Officers conducted a search of the vehicle in which the three individuals whom the Officers had observed fishing had arrived (the "Vehicle"). The Officers recovered numerous checks, money orders, and debit cards from the Vehicle. The checks and money orders were in the names of people other than the three individuals. The total value of the checks and money orders was approximately \$11,000. Additionally, many of the debit cards were in the names of people other than the three individuals.

d. The Officers also recovered string and adhesive from beneath the hood of the Vehicle. Based on my training and experience, I know that these materials are often used as fishing tools.

e. Following the search of the Vehicle, the Officers arrested the defendants.

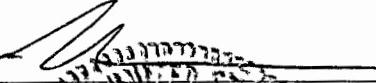
WHEREFORE, the deponent respectfully requests that warrants be issued for the arrest of LUIS DE OLEO GUZMAN and

SABIEL SAMPOL, a/k/a "Flako Loko," the defendants, and that they be arrested, and imprisoned or bailed, as the case may be.



MICHAEL MEMOLI  
Postal Inspector  
United States Postal Inspection Service

Sworn to before me this  
5<sup>th</sup> day of April 2019

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THE HONORABLE ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

